

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
POWERHOUSE BEVERAGE COMPANY LLC, :  
et al., :  
Plaintiffs, : 22 Civ. 5559 (LGS)  
:  
-against- : ORDER  
:  
FRANK NAHOUN, et al., :  
Defendants. :  
:  
-----X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a pre-motion conference was held on July 12, 2023. As discussed at the conference, it is hereby

**ORDERED** that, by **July 19, 2023**, Mr. Stanziale shall enter a notice of appearance on behalf of Defendants Nahoum, Gimenez, Peikarian and Kringel. It is further

**ORDERED** that, by **July 25, 2023**, the parties shall sign and jointly file (1) the proposed stipulation attached below or (2) a letter stating that they do not wish to sign. The parties may jointly propose any change to the stipulation, as long as all parties are in agreement. It is further

**ORDERED** that Defendants shall file any pre-motion letter for a writ consolidating all litigation arising from the same set of facts, matters and transactions to this Court, not to exceed three pages, by **July 25, 2023**. The letter shall comply with the Court's Individual Rule III.A.1. Plaintiffs shall file any response, not to exceed three pages, by **August 1, 2023**. The parties are advised that the Court may construe Defendants' letter as a motion and rule on the basis of the foregoing.

Dated: July 17, 2023  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
POWERHOUSE BEVERAGE COMPANY LLC, :  
et al., :  
Plaintiffs, : 22 Civ. 5559 (LGS)  
:  
-against- :  
:  
[PROPOSED]  
**FRANK NAHOUN, et al.,** :  
Defendants. :  
:  
-----X

IT IS HEREBY STIPULATED AND AGREED, by and among the parties hereto,  
through their undersigned counsel, that:

1. By August 4, 2023, Plaintiffs will file an amended complaint with an additional cause of action seeking a declaratory judgment that the operating agreement Plaintiffs produced in discovery is operative;
2. By August 14, 2023, Defendants will answer the amended complaint and include an additional counterclaim seeking a declaratory judgment that the operating agreement Defendants produced in discovery is operative;
3. The parties agree to proceed by bench trial on the issue of which of the two operating agreements produced in discovery is operative (the “Issue”);
4. The parties agree that, once the Issue is adjudicated and a declaratory judgment is entered in favor of the prevailing party, Plaintiffs and Defendants will dismiss all other claims and

counterclaims in this action with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with each side to bear its own fees and costs.

**SO ORDERED**

Dated: July \_\_\_, 2023  
New York, New York

**RAGUES PLLC**

By: \_\_\_\_\_  
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*Attorney for Plaintiffs*

Dated: July \_\_\_, 2023  
New York, New York

**THOMAS STANZIALE, ESQ. PC**

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*Attorney for Defendants Frank Nahoum,  
Henry Gimenez, Behzad Peikarian and Joel  
Kringel*

Dated: July \_\_\_, 2023  
New York, New York

**DENNIS BELLINE, ESQ., PLLC**

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